

### **Title 3—The President**

subsequent law, including section 116 of the Continuing Resolution for Fiscal Year 2006 (Public Law 109–77), as amended.

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 15, 2005.*

**Memorandum of December 20, 2005**

#### **Designation of Officers of the Office of the Director of National Intelligence To Act as Director of National Intelligence**

*Memorandum for the Director of National Intelligence*

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, *et seq.*, it is hereby ordered that:

**Section 1.** Subject to the provisions of sections 3 and 4 of this memorandum, the officers of the Office of the Director of National Intelligence named in section 2, in the order listed, shall act as and perform the functions and duties of the office of the Director of National Intelligence (DNI), during any period in which the DNI and the Principal Deputy Director of National Intelligence have died, resigned, or otherwise become unable to perform the functions and duties of the office of the DNI, until such time as at least one of the officers listed in this section is able to perform the functions and duties of the DNI.

**Sec. 2.** Order of Succession.

- (a) Deputy Director of National Intelligence for Management;
- (b) Deputy Director of National Intelligence for Collection;
- (c) Deputy Director of National Intelligence for Analysis;
- (d) Deputy Director of National Intelligence for Customer Outcomes;
- (e) Chief of Staff, Office of the Director of National Intelligence;
- (f) General Counsel, Office of the Director of National Intelligence; and
- (g) Chief Information Officer, Office of the Director of National Intelligence.

**Sec. 3.** National Security Act of 1947. This memorandum shall not supercede the authority of the Principal Deputy Director of National Intelligence to act for, and exercise the powers of, the Director of National Intelligence during the absence or disability of the Director of National Intelligence or during a vacancy in the position of Director of National Intelligence, (National Security Act of 1947, as amended, 50 U.S.C. 403–3a).

## Other Presidential Documents

### Sec. 4. Exceptions.

(a) No individual who is serving in an office listed in section 2 in an acting capacity shall act as the DNI pursuant to this section.

(b) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting DNI.

### Sec. 5. Publication.

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 20, 2005.*

## Memorandum of December 22, 2005

### Order of Succession of Officers to Act as Secretary of Defense

#### *Memorandum for the Secretary of Defense*

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et. seq.*, and notwithstanding the Executive Order I issued today entitled, "Providing an Order of Succession within the Department of Defense" (the order), it is hereby ordered as follows:

(1) Subject to the provisions of paragraphs 2 and 4 of this memorandum, the Acting Deputy Secretary of Defense, as designated by the President, shall act as and perform the functions and duties of the office of the Secretary of Defense (Secretary) during any period when the Secretary has died, resigned, or is otherwise unable to perform functions and duties of the office of the Secretary.

(2) The provisions of paragraph 1 of this memorandum shall only apply if, at the time of the death, resignation, or inability of the Secretary, the Acting Deputy Secretary of Defense meets one or more of the criteria established in section 3345(a)(1)–(3) of title 5, United States Code.

(3) In all other respects, the order shall remain in effect.

(4) The authority of this memorandum shall terminate upon the first appointment by the President of a Deputy Secretary of Defense to occur subsequent to this memorandum, unless sooner terminated by operation of law or by the President.